

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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STEVEN CARLISLE,

Plaintiff,

-v-

5:22-CV-200

JEFFERSON COUNTY, City of  
Watertown, COLLEEN O'NEIL,  
Jefferson County Sheriff,  
CHARLES DONOGHUE, City of  
Watertown, KRISTINA MILLS,  
Jefferson County District Attorney,  
SCOTT GRAY, Jefferson County  
Legislator, JEFF SMITH,  
Watertown City Mayor, MATT  
TIMERMAN, Watertown City  
Fire Chief, JAY DONOVAN, Z93  
Radio, GARY PASQUA, St. Lawrence  
County DA, JEFF PREBISH, OSHA,  
JOHN DOE 1, North Star Employee:  
Scott, JOHN DOE 2, North Star  
Employee: Sam, JOHN DOE 3,  
North Star Employee: Kim, JOHN  
DOE 4, North Star Employee: Jordan,  
JOHN DOE 5, North Star Employee:  
Dave, JOHN DOE 6, North Star  
Employee: Merritt, JOHN DOE 7,  
North Star Employee: Ronnie, JOHN  
DOE 8, North Star Employee: Rodney,  
JOHN DOE 9, North Star Employee:  
Wally, JOHN DOE 10, North Star  
Employee: Devan, JOHN DOE 11,  
North Star Employee: Andrew, JOHN  
DOE 12, North Star Employee: Joe,  
JOHN DOE 13, North Star Employee:  
Kyle, and SCOTT SCHOEN, North Star,

Defendants.

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APPEARANCES:

OF COUNSEL:

STEVEN CARLISLE  
Plaintiff, Pro Se  
P.O. Box 602  
Theresa, NY 13691

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On March 3, 2022, *pro se* plaintiff Steven Carlisle (“plaintiff”) filed this civil action alleging, *inter alia*, that confidential informants, acting under orders from certain Jefferson County officials, conspired to cause him physical harm. Dkt. No. 1. Plaintiff also sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

On March 17, 2022, U.S. Magistrate Judge Andrew T. Baxter granted plaintiff’s IFP application for the limited purposes of filing and then advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed. Dkt. No. 4. As Judge Baxter explained, some of plaintiff’s claims were subject to dismissal with prejudice while others might prove to be actionable if cured with better pleading. *Id.* Accordingly, Judge Baxter recommended that plaintiff be given a forty-five day period in which to amend his complaint as to certain of his claims. *Id.*

Plaintiff has filed objections. Dkt. Nos. 5, 6.<sup>1</sup> Upon *de novo* review of the portions to which plaintiff has objected, the R&R is accepted and will be adopted in all respects. 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. To the extent plaintiff bases his complaint upon criminal statutes, those claims are DISMISSED WITH PREJUDICE against all of the named defendants in accordance with the R&R;
3. Any claims alleged by plaintiff under the Equal Protection Clause of the New York State Constitution are DISMISSED WITH PREJUDICE against all of the named defendants in accordance with the R&R;
4. Any claims alleged by plaintiff under New York Civil Rights Law § 40-c are DISMISSED WITHOUT PREJUDICE against all of the named defendants in accordance with the R&R;
5. Plaintiff's § 1983 conspiracy, excessive force, and/or failure to intervene claims against all of the named defendants are DISMISSED WITHOUT PREJUDICE;

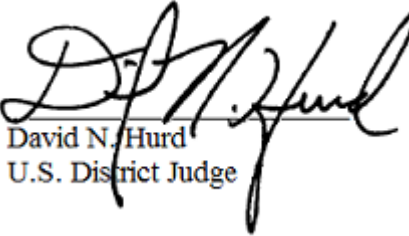
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<sup>1</sup> Dkt. No. 6 appears to be largely if not completely duplicative of the objection filed with the Court at Dkt. No. 5.

6. Plaintiff shall have forty-five (45) days from the date of this Order in which to amend his complaint in accordance with the instructions set forth in Judge Baxter's Report & Recommendation; and

7. If plaintiff does not file an amended complaint within this forty-five day period, the Clerk of the Court shall enter a judgment accordingly and close the file without further Order of this Court.

IT IS SO ORDERED.



David N. Hurd  
U.S. District Judge

Dated: April 7, 2022  
Utica, New York.